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**Our Reference:** 03364.P020

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|-----------------|--|
| <b>SUBJECT:</b> | <b>Application No. 09/363578</b>   |
| <b>REMARKS:</b> | On September 25, 2003 our Deposit Account No. 02-2666 was charged the amount of \$300.00 for fee code 1252 (Request for two month Extension). We already have submitted a check amount of \$300.00 on August 20, 2003 for filing Request for two month Extension fee (copy of cancelled check attached). We respectfully request that the \$300.00 be credited back to our Deposit Account No. 02-2666. Thank you. |

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01/14/05 FRI 17:06 [TX/RX NO 8440] 001

01/14/05 FRI 17:06 [TX/RX NO 8440] 0002



**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

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Address to:

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|  |               |
|--|---------------|
| Attorney Docket No. of Prior Application | 3364P020      |
| First Named Inventor                     | Jae-Yul Ryu   |
| Examiner Name                            | Ruthkosky, M. |
| Group/Art Unit                           | 1745          |
| Express Mail Label No.                   | EV339918980US |

This is request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/363,578, filed on July 29, 1999, entitled CARBONACEOUS ACTIVE MATERIAL FOR LITHIUM SECONDARY BATTERY - UTILITY.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(e).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on July 21, 2003 under 37 CFR § 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

[Page 1 of 2]

Based on PTO/SB/29 (05-03) as modified by Biskely, Solokoff, Taylor & Zatzman (wtr) 05/02/2003.  
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08/22/2003 MBIZUNES 00000038 09363578  
01 FC:1006 750.00 OP

Adjustment date: 02/24/2005 SDIRETA1  
09/25/2003 PFENNELL 00000002 022666 09363578  
01 FC:1252 300.00 CR

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